

**2007 DRAFTING REQUEST****Assembly Amendment (AA-ASA1-SB40)**Received: **06/28/2007**Received By: **gmalaise**Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-3847**By/Representing: **Peck**This file may be shown to any legislator: **NO**Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

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**Pre Topic:**

LFB:.....Peck -

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**Topic:**

Federal funding for abstinence education

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**Instructions:**

See Attached--require DHFS to apply for state abstinence education grant moneys through Title V of the Social Security Act

---

**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>         | <u>Reviewed</u>       | <u>Typed</u>           | <u>Proofed</u> | <u>Submitted</u>      | <u>Jacketed</u> | <u>Required</u> |
|--------------|------------------------|-----------------------|------------------------|----------------|-----------------------|-----------------|-----------------|
| /?           | gmalaise<br>06/28/2007 | lkunkel<br>06/28/2007 |                        | _____          |                       |                 |                 |
| /1           |                        |                       | sherritz<br>06/28/2007 | _____          | mbarman<br>06/29/2007 |                 |                 |
| /2           | gmalaise<br>07/02/2007 | jdyer<br>07/02/2007   | jfrantze<br>07/03/2007 | _____          | lparisi<br>07/03/2007 |                 |                 |

FE Sent For:

<END>

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| /1           |                        | 1/2 7/2 jld           | sherritz<br>06/28/2007 |                | mbarman<br>06/29/2007 |                 |                 |

FE Sent For:

7/3

<END>

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DAK  
RLR

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /?           | gmalaise       | 11/mk 6/28      | sh<br>6/28   | sh/jf<br>6/28  |                  |                 |                 |

FE Sent For:

<END>

## Malaise, Gordon

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**From:** Kennedy, Debora  
**Sent:** Wednesday, June 27, 2007 1:23 PM  
**To:** Malaise, Gordon  
**Subject:** FW: Drafting Instructions - Abstinence Education

Gordon, does this seem to be for you?

---

**From:** Kahler, Pam  
**Sent:** Wednesday, June 27, 2007 1:20 PM  
**To:** Kennedy, Debora  
**Subject:** FW: Drafting Instructions - Abstinence Education

Debora:

I don't know if you received this. Earlier this morning I asked Eric what the "abstinence federal funding" was all about. This is what he sent. Gordon's maybe? Anything to do with education?

---

**From:** Peck, Eric  
**Sent:** Wednesday, June 27, 2007 1:17 PM  
**To:** Kahler, Pam  
**Cc:** Morgan, Charlie  
**Subject:** Drafting Instructions - Abstinence Education

Pam: I am going to send this one to you as well, simply because you asked about it this morning. With respect to Abstinence Education, the state has in recent years received some grant money from the U.S. Department of Health and Human Services, Administration on Children, Youth, and Families, for abstinence education. This year (2007) the administration declined the funds on the grounds that the guidelines attached to the grant money limited the ability to provide comprehensive sex education curriculum, in the administration's view. The Assembly Republicans want to put something in their budget bill that would require DHFS to apply for and accept those funds. The program at issue, according to information provided to me, is the State Abstinence Education Grant Program, Title V, section 510 of the Social Security Act, Public Law 104-193. The amendment, I believe would, as I indicated, "Require DHFS to apply for and accept" abstinence education grant money through the Title V program.

I don't think any changes need to be made in any appropriations.

Thanks Pam

Eric Peck, Fiscal Analyst  
Wisconsin Legislative Bureau  
1 East Main Street, Suite 301  
Madison, WI 53703  
Telephone: (608) 266-3847  
FAX: (608) 267-6873  
Email: Eric.Peck@legis.state.wi.us



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBb08437 ①

GMM.....  
6 Imk

LFB:.....Peck - Federal funding for abstinence education ✓

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION ✓

**ASSEMBLY AMENDMENT ,**

**TO ASSEMBLY SUBSTITUTE AMENDMENT 1,**

**TO 2007 SENATE BILL 40**

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 1322, line 6: after that line insert: ✓

3 "SECTION 3055j. 253.07 (5) of the statutes is created to read:

4 253.07 (5) ABSTINENCE EDUCATION. For each fiscal year, the department shall  
5 apply to the federal secretary of health and human services for an allotment under  
6 42 USC 710 (a) for the purpose of enabling the department to provide abstinence  
7 education, as defined in 42 USC 710 (b) (2), and to provide appropriate mentoring,  
8 counseling, and adult supervision to youths to promote abstinence from premarital  
9 sexual activity, focusing on those groups that have a higher rate of premarital  
10 pregnancy. If the secretary grants the allotment, the department shall accept the

1 allotment and use the allotment to provide that abstinence education and that  
2 mentoring, counseling, and adult supervision.”. ✓

3 (END)

## Malaise, Gordon

---

**From:** Peck, Eric  
**Sent:** Monday, July 02, 2007 3:01 PM  
**To:** Malaise, Gordon  
**Subject:** RE: Abstinence Education Draft

Hi Gordon: Since we've already beat this thing to death, what's the harm of one more question! Under the federal statute, does the state develop a plan that is approved by the federal secretary? To be honest, I really don't know.

How about we strike what comes after the second "710" in your draft, and replace it with "and all federal rules and guidelines applicable to such state allotments for abstinence education."

If you don't like it, ignore it and we'll go with what you've written. Thanks for your help with this. Eric

---

**From:** Malaise, Gordon  
**Sent:** Monday, July 02, 2007 12:23 PM  
**To:** Peck, Eric  
**Subject:** RE: Abstinence Education Draft

Eric:

I had to sleep on it over the weekend, but I think I got it:

"The department shall apply to the federal secretary of health and human services for an abstinence education, as defined in 42 USC 710, allotment. If the federal secretary approves the allotment, the department shall use the allotment in accordance with 42 USC 710 and the state plan for the expenditure of the allotment, as approved by the federal secretary."

Gordon

---

**From:** Peck, Eric  
**Sent:** Friday, June 29, 2007 5:11 PM  
**To:** Malaise, Gordon  
**Cc:** Morgan, Charlie  
**Subject:** RE: Abstinence Education Draft

I'm starting to wonder if we need any of that detail in the draft. Stepping back for a moment, ARC's intent is to require DHFS to apply for, and accept, Title V Abstinence Education money, and to use that money consistent with the applicable federal requirements, including the definition of "abstinence education," requirements that apply in any event, as a condition of accepting the money.

Can we say something to the effect that DHFS must apply for abstinence education funds through the Title V Abstinence Education program, and if allotted by the Secretary, DHFS must use all such funds in a manner consistent with all the legal requirements of that program, including the definition of abstinence education as defined at \_\_ USC \_\_\_\_.

Might that work?

---

**From:** Malaise, Gordon  
**Sent:** Friday, June 29, 2007 4:48 PM  
**To:** Peck, Eric  
**Cc:** Morgan, Charlie  
**Subject:** RE: Abstinence Education Draft

Eric:

OK, I'll change the draft to make mentoring at DHFS' option.



Gordon

---

**From:** Peck, Eric  
**Sent:** Friday, June 29, 2007 4:44 PM  
**To:** Malaise, Gordon  
**Cc:** Morgan, Charlie  
**Subject:** RE: Abstinence Education Draft

Thanks for that explanation Gordon. The discussions I've had with people have pertained exclusively to abstinence education. I'm not sure there's any legislative awareness of the language in the federal statute that gives states, at their option, the ability to use some of the money for mentoring, etc. That being the case, I do not believe ARC's intent is to **require** the state to provide those mentoring services, since that is not now, nor has it ever been, required under the federal statute.

As for the choice between "state" versus "department," I'll leave that to your judgment.

Thanks for your help Gordon. Eric

---

**From:** Malaise, Gordon  
**Sent:** Friday, June 29, 2007 3:28 PM  
**To:** Peck, Eric  
**Cc:** Morgan, Charlie  
**Subject:** RE: Abstinence Education Draft

Eric:

Yes, I can make that change since a state that receives an allotment is not required to provide that mentoring, etc, but rather may, at its option, provide that mentoring.

My hesitation, though, is in translating the federal word "state." If we insert "department," DHFS probably will not do it in that the whole reason for the motion is to make them apply for the allotment. If we leave the language as is, then in effect, the state, by way of the legislature directing DHFS, has exercised that option, which arguably is more in keeping with the spirit of the motion.

In sum, it depends on what the ARC wants. If they are satisfied with abstinence education without the mentoring, then we should make the change. If they want DHFS to do the mentoring too, then we should leave the draft as is.

Gordon

---

**From:** Peck, Eric  
**Sent:** Friday, June 29, 2007 3:00 PM  
**To:** Malaise, Gordon  
**Cc:** Morgan, Charlie  
**Subject:** Abstinence Education Draft

Hi Gordon. Thanks for drafting that amendment regarding abstinence education, LRB 843/1. Your draft directs DHFS to apply for an allotment "to provide abstinence education, as defined in 42 USC 710(b)(2), **and to provide appropriate mentoring, counseling, and adult supervision to youths to promote abstinence from premarital sexual activity . . .**." The bolded language seems to require the state to provide "appropriate mentoring, counseling . . ."

The language of 42 USC 710(b)(1), however, appears to make those things optional. See 42 USC 710(b)(1): "The purpose of an allotment under subsection (a) of this section to a State is to enable the State to provide abstinence education, **and at the option of the State, where appropriate**, mentoring, counseling, and adult supervision to promote abstinence from sexual activity . . ."

Do you think we should add the language "and at the option of the State, where appropriate," to the language of the draft? As I read it, that language applies only to the "mentoring, counseling, and adult supervision" aspects of the program.

What do you think?

Eric Peck, Fiscal Analyst  
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State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBb0843/1  
GMM:lmk:sh

2  
RM  
+ jld

LFB:.....Peck - Federal funding for abstinence education

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT ,

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2007 SENATE BILL 40

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///

At the locations indicated, amend the substitute amendment as follows:

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253.07 (5) ABSTINENCE EDUCATION. For each fiscal year, the department shall apply to the federal secretary of health and human services for an allotment under 42 USC 710 (a) for the purpose of enabling the department to provide abstinence education, as defined in 42 USC 710 (b) (2), and to provide appropriate mentoring, counseling, and adult supervision to youths to promote abstinence from premarital sexual activity, focusing on those groups that have a higher rate of premarital pregnancy. If the secretary grants the allotment, the department shall accept the

plain period

1 allotment and use the allotment ~~to provide that abstinence education and that~~  
2 ~~mentoring, counseling, and adult supervision."~~

3 (END)

in accordance with 42 U.S.C. 710 and all  
federal regulations and guidelines applicable  
to the allotment



State of Wisconsin  
2007 - 2008 LEGISLATURE

LRBb0843/2  
GMM:lmk&jld:jf

LFB:.....Peck - Federal funding for abstinence education

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5 apply to the federal secretary of health and human services for an abstinence  
6 education, as defined in 42 USC 710 (b) (2), allotment under 42 USC 710 (a). If the  
7 secretary grants the allotment, the department shall accept the allotment and use  
8 the allotment in accordance with 42 USC 710 and all federal regulations and  
9 guidelines applicable to the allotment."

10

(END)